

Before the  
**FEDERAL COMMUNICATIONS COMMISSION**  
Washington, D.C. 20554

In the Matter of	)	
	)	MB Docket No. _____
Amendment of Sections 73.1203(a)(3) and	)	RM-11786
74.1204(f) of the Commission's Rule	)	

To: Marlene H. Dortch, Secretary  
Federal Communications Commission  
Office Of The Secretary

Chief, Audio Division  
Media Bureau

**COMMENTS ON PETITION FOR RULEMAKING**

These comments are filed by SSR Communications, Inc. ("SSR") in general opposition to the above-referenced proceeding, RM-11786, filed by Aztec Capital Partners, Inc ("Petitioner").

SSR is the licensee of radio station WYAB 103.9 FM (Facility ID Number 77646) at Pochahontas, Mississippi. Although SSR does not currently operate any secondary audio services, such as FM Translators, it has been the licensee of such authorizations in the past and has had standing on both sides of various issues raised by Petitioner in its initial Petition for Rulemaking.

SSR believes that Aztec's petition is borne from two basic arguments, mainly that: 1) its translator station, W221DS reaches an under-served population in the Philadelphia, Pennsylvania area, and that, 2) station WVLT 92.1 FM at Vineland, New Jersey, licensed to Clear Communications, Inc. ("CCI"), has made questionable claims of alleged listenership of its station within the Philadelphia area in order to preserve its co-channel signal's footprint in said (much larger) media market.

SSR could find no compelling legal or technical argument within Petitioner's filing that warrants changes to the Commission's current policies for dealing with FM translator interference mitigation. The Commission classifies FM translators as secondary services. The prime legal definition of the term “secondary” is composed of the following description of the word: “of second rank, status, importance, or value.” Additionally, within its own initial filing, Petitioner stated that it was not interested in changing the secondary status of the FM translator service.

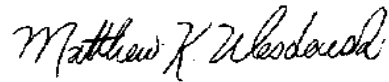
As FM translators are “of second rank, status, importance, or value,” SSR asserts that even *one* legitimate claim of interference between a FM Translator station and a full power facility is lawfully sufficient to trigger a comparison between the “primary versus secondary” relationship between both audio services. In such disputes, no matter how far from the protected service area of a full power station a valid claim of interference arises, the Commission is obligated to side with the primary station. No other argument, no matter how noble, need be considered when such a conflict exists.

Petitioner has dressed its initial request in seemingly sensible claims. There is little doubt that an under-served population should be able to have some media outlet, but Petitioner already operates another Commission-licensed station, WHAT 1340 AM (Facility ID Number 33686), which reaches substantially the same geographic area. Furthermore, Philadelphia is also clearly outside of WVLT 92.1 FM's primary service contour, but this argument ignores the fact that real-world conditions do exist to allow for distant listening of radio stations, and that computer-generated reception prediction models only approximate actual engineering conditions. Neither claim invalidates the fact that FM translator stations are secondary in status.

SSR admires and understands Petitioner's general position. As licensed FM Translator totals continue to increase, more conflicts are bound to arise. The increase in number of these secondary services, however, does not automatically lead to a fundamental evisceration of the relationship between the terms "primary" and "secondary." If Petitioner would like the Commission to grant primary status to secondary services, then it should do so in a separate filing.

Date: May 18, 2017

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Matthew K. Wesolowski".

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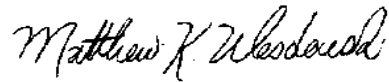
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**CERTIFICATE OF SERVICE**

I, Matthew K. Wesolowski of SSR Communications, Inc., certify that I have sent copies of these *Comments on Petition for Rulemaking* on May 18, 2017, First Class United Postal Service prepaid, to the original petitioner and its legal counsel, as follows:

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